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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,997	06/08/2001	Jay A. Alexander	10981507-2	1007

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AGILENT TECHNOLOGIES, INC.
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Intellectual Property Department
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EXAMINER

AMINI, JAVID A

ART UNIT	PAPER NUMBER
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2672

DATE MAILED: 06/05/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/930,997

Applicant(s)

ALEXANDER, JAY A.

Examiner

Javid A Amini

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 58-78 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 58-78 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 58-67 and 74 rejected under 35 U.S.C. 103(a) as being unpatentable over Hugh and further in view of Pritt.

1. Claim 58.

“A method for graphically displaying an annotation label on a graphical user interface; (1) displaying on the graphical user interface a first display element representing the function of adding an annotation label; (2) receiving an indication that an operator graphically selected said first display element; (3) displaying, on the graphical user interface, a display region through which the operator can enter a desired content to be displayed in the annotation label; (4) receiving through a user interface data to be displayed in said dialog box; and (5) displaying said annotation label on said graphical user interface”, Hugh teaches in paragraph 0110, in the upper left corner of Fig. 3 are two thought pins 370 and 375, labeled "Rodin" and "Liquid Noise." Thought pins can be moved by the user to any location or deleted of the hierarchy that contains the current item is displayed as a parent, and the other items within the level containing the current item are displayed (can be called first display element) as siblings. Hugh teaches in paragraph 0160, a gate, link, thought, or any other display element could change color to indicate that the element would be selected if the user depressed a mouse button. Hugh teaches

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in paragraph 0223 that a dialog box appears and asks the user to specify the depth for which the hyperlinked pages associated with the web page should be searched. Hugh teaches in paragraph 0138 that thought fields could be edited in a dialog box or window such as 1410 in Fig14. But Hugh does not explicitly specify the displaying annotation label on GUI, however, Pritt teaches in (col. 2, lines 53-59) that the system includes means for displaying annotations on a display or portion of the display.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Pritt into Hugh in order to improve a need in the art for a method to place annotations of various sizes on a computer display without overlap see Fig. 4 of Pritt's invention. And also Hugh's invention adding more relationships amongst users by flexibly distributing information about other users of shared content, and availing differentiated content to different groups of users.

2. Claim 59.

"The method of claim 58, wherein said first display element comprises any known display element supported by the graphical user interface", Hugh teaches in 0063 that a file stored using the present invention may thereby easily be copied to a Windows Explorer.RTM. folder or any other application supporting file drag and drop. And also Hugh teaches in paragraph 0149 that the system supports interactive commands for requesting the display of these usage statistics. For example, in one embodiment, a user can request to view usage statistics falling within a given time period.

3. Claim 60.

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“The method of claim 58, wherein said first display element comprises an icon”, Hugh teaches in paragraph 0184 that a number or icon of variable size can be displayed in proximity to the central thought and/or other thoughts within the plex representing (first display element) the quantity of neighbors at those thoughts.

4. Claim 61.

“The method of claim 58, wherein said first display element comprises a graphical button rendered on a dialog box”, Hugh teaches in paragraph 0184 that a number or icon of variable size can be displayed in proximity to the central thought and/or other thoughts within the plex representing (first display element) the quantity of neighbors at those thoughts.

5. Claim 62.

“The method of claim 58, wherein said display region through which the operator can enter a desired content to be displayed in the annotation label is a window”, Hugh illustrates in Fig. 14. But Hugh does not explicitly specify the displaying annotation label on GUI, however, Pritt teaches in (col. 2, lines 53-59) that the system includes means for displaying annotations on a display or portion of the display.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Pritt into Hugh in order to improve a need in the art for a method to place annotations of various sizes on a computer display without overlap.

6. Claim 63.

“The method of claim 58, wherein said display region through which the operator can enter a desired content to be displayed in the annotation label is a dialog box”, Hugh illustrates in Fig. 14. But Hugh does not explicitly specify the displaying annotation label on GUI, however, Pritt

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teaches in (col. 2, lines 53-59) that the system includes means for displaying annotations on a display or portion of the display.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Pritt into Hugh in order to improve a need in the art for a method to place annotations of various sizes on a computer display without overlap see Fig. 4 of Pritt's invention. And also Hugh's invention adding more relationships amongst users by flexibly distributing information about other users of shared content, and availing differentiated content to different groups of users.

7. Claim 64.

"The method of claim 58, wherein said data to be displayed in said dialog box comprises data in the form of text strings", Hugh illustrates in Fig. 14

8. Claim 65.

"The method of claim 58, wherein said data to be displayed in said dialog display region comprises data in the form of graphical symbols", Hugh illustrates in Fig. 14

9. Claim 66.

"The method of claim 58, wherein said data to be displayed in said dialog display region comprises data in the form of graphical symbols", Hugh illustrates data to be displayed in dialog display region comprises data in the form of graphical symbols in Fig. 21.

10. Claim 67.

"The method of claim 58, further comprising the steps of displaying a second display element on the graphical user interface indicating that the operator has the opportunity to alter the manner in which the annotation label is rendered; receiving an indication that the operator has selected said

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second display element; displaying, in response to said indication that the operator has selected said second display element, a rendering options display window on the graphical user interface; receiving operator inputs applied to said rendering options display window; and displaying said annotation label in accordance with said operator inputs to said rendering options display window”, Hugh illustrates in Fig. 21. But Hugh does not explicitly specify the displaying annotation label on GUI, however, Pritt teaches in (col. 2, lines 53-59) that the system includes means for displaying annotations on a display or portion of the display.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Pritt into Hugh in order to improve a need in the art for a method to place annotations of various sizes on a computer display without overlap see Fig. 4 of Pritt’s invention. And also Hugh’s invention adding more relationships amongst users by flexibly distributing information about other users of shared content, and availing differentiated content to different groups of users.

11. Claim 74.

“The method of claim 68, further comprising the steps of adjusting appearance characteristics of said annotation label displayed on said graphical user interface in response to operator commands”, Hugh teaches in paragraph 0110 in order to create a thought pin, the user simply moves the cursor (using mouse/control device 160), and clicks on or otherwise highlights the existing thought for which a thought pin is to be created, and then selects a "Create Pin" command or the like from an ensuing pop-up command menu (such as menu 1210). But Hugh does not explicitly specify the displaying annotation label on GUI, however, Pritt teaches in (col.

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2, lines 53-59) that the system includes means for displaying annotations on a display or portion of the display.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Pritt into Hugh in order to improve a need in the art for a method to place annotations of various sizes on a computer display without overlap see Fig. 4 of Pritt's invention. And also Hugh's invention adding more relationships amongst users by flexibly distributing information about other users of shared content, and availing differentiated content to different groups of users.

Double Patenting

12. Claims 68-73, and 75-78 rejected under the judicially created doctrine of double patenting over claims 42, 44, 4-9, 11, and 29 of U. S. Patent No. 6320577 B1 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows: see below.

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

- Present invention:

Claim 68. "A method for graphically annotating measurement waveforms in a signal measurement system having a graphical user interface through which waveforms and measurement results are displayed on a display of the signal measurement system, the method comprising the steps of: graphically generating, in response to an operator request, an annotation

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label containing operator-generated information; and graphically positioning said annotation label at a location on the display determined by the operator”.

- Prior art 6320577 B1:

Claim 42. A signal measurement system comprising: an operating system; a graphical user interface; and an annotation system for graphically annotating measurement waveforms displayed in a waveform display of the graphical user interface, said annotation system constructed and arranged to enable an operator to graphically generate an annotation label containing operator-generated information and to position said annotation label to any location on the waveform display.

- Present invention:

Claim 69. “The method of claim 68, wherein said location of said annotation label is such that said annotation label is positionally associated with a desired feature of a waveform displayed on the display”.

- Prior art 6320577 B1:

Claim 44. The system of claim 42, wherein said location of said plurality of annotation labels includes positions that positionally associate said displayed annotation labels with a desired waveform or waveform feature displayed on said graphical user interface, and wherein one or more of said plurality of annotation labels includes additional graphical elements to facilitate visual association with said desired waveform or waveform feature.

- Present invention:

Claim 70. “The method of claim 68, wherein said information is presented in one or more forms comprising at least one of textual and symbolic form”.

- Prior art 6320577 B1:

Claim 4. The system of claim 1, wherein said information is presented in one or more forms comprising at least one of textual and symbolic form.

- Present invention:

Claim 71. “The method of claim 68, wherein said information is provided by the operator using a keyboard operatively associated with the signal measurement system”.

- Prior art 6320577 B1:

Claim 5. The system of claim 1, wherein said information is provided by the operator using a keyboard.

Claim 6. The system of claim 5, wherein said keyboard is a physical keyboard operatively coupled to the signal measurement system on which the operator types the desired information.

- Present invention:

Claim 72. “The method of claim 71, wherein said keyboard is a graphically-displayed keyboard on which the operator graphically selects displayed keys of the graphical keyboard through use of a cursor controlled by a pointing device operatively coupled to said signal measurement system”.

- Prior art 6320577 B1:

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Claim 7. The system of claim 5, wherein said keyboard is a graphically-displayed keyboard on which the operator graphically selects displayed keys of the graphical keyboard through use of a cursor controlled by a pointing device operatively coupled to said signal measurement system.

- Present invention:

Claim 73. "The method of claim 68, wherein the information is entered by the operator through a voice recognition system".

- Prior art 6320577 B1:

Claim 8. The system of claim 1, wherein the information is entered by the operator through a voice recognition system.

- Present invention:

Claim 75. "The method of claim 68, wherein said annotation label is implemented as dialog box".

- Prior art 6320577 B1:

Claim 11. The system of claim 1, wherein said annotation label is implemented as dialog box in said graphical user interface.

- Present invention:

Claim 76. "The method of claim 74, wherein said appearance characteristics comprise one or more of the group consisting of color in which data is rendered in the annotation label, background color of the annotation label, and border characteristics of the annotation label".

- Prior art 6320577 B1:

Claim 29. The system of claim 27, wherein said rendering information comprises: text color identifying a color of text rendered in said annotation label; and background color identifying a color of background area of said annotation label.

- Present invention:

Claim 77. "In a signal measurement system comprising an operating system and a graphical user interface, a method for graphically annotating measurement waveforms displayed in a waveform display of the graphical user interface, the method comprising: enabling an operator to graphically generate an annotation label containing operator generated information; and enabling an operator to position said annotation label to any location on the waveform display.

- Prior art 6320577 B1:

Claim 42. A signal measurement system comprising: an operating system; a graphical user interface; and an annotation system for graphically annotating measurement waveforms displayed in a waveform display of the graphical user interface, said annotation system constructed and arranged to enable an operator to graphically generate an annotation label containing operator-generated information and to position said annotation label to any location on the waveform display.

- Present invention:

Claim 78. "The system of claim 76, wherein the operator can control appearance characteristics of said plurality of annotation labels displayed on said graphical user interface.

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- Prior art 6320577 B1:

Claim 9. The system of claim 1, wherein the operator can control appearance characteristics of said plurality of annotation labels displayed on said graphical user interface.

13. Applicant is advised that should claims 65 and 66 be found allowable, claims 65 and 66 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim 65.

“The method of claim 58, wherein said data to be displayed in said dialog display region comprises data in the form of graphical symbols”,

Claim 66.

“The method of claim 58, wherein said data to be displayed in said dialog display region comprises data in the form of graphical symbols”,

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javid A Amini whose telephone number is 703-605-4248. The examiner can normally be reached on 8-4pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on 703-305-4713. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-8705 for regular communications and 703-746-8705 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

Javid A Amini
Examiner
Art Unit 2672

Javid Amini
June 2, 2003



MICHAEL RAZAVI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600